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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,629	11/16/2001	Xavier Mariaud	00RO23854286	3421

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/990,629		MARIAUD ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nitin C. Patel		2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,9-13,15-18,20-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 8,14,19 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This is in responsive to amendment filed on 12 January 2005.
2. Claims 1 – 6 have been cancelled.
3. Claims 7 – 26 are presented for reconsideration.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9 – 13, 15 – 18, 20 – 22, and 24 - 26 are rejected under 35 U.S.C 103(a) as being unpatentable over Rothenbaum, US Patent 6,128,743, and further in view of Lee, US Patent 6,516,418 B1.
5. As to claims 7, 13, 18, and 22, Rothenbaum discloses an intelligent system and method for Universal Serial Bus [USB] communication and power control [connection arrangements as shown in fig. 2] comprising a detection circuitry [col. 6, lines 10 - 13, and 16 – 20] for detecting the second voltage received therefrom [detecting a signal from power supply], and logic control circuit [switching logic circuitry, col. 6, lines 10 - 13, and 16 – 20] for switching the mode of operation between the self-powered mode and bus-powered mode when one of the signal from the power supply indicates that power supply is available to the serial bus hub indicates that the power supply is available and signal from power supply to the hub indicates that power supply is not available [as represented in schematic diagram fig. 3 and fig.4][col. 1, lines 59 - 67, col.

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2, lines 1 - 39, col. 3, lines 11 - 67, col. 4, lines 1 - 67, col. 5, lines 1 - 11, col. 9, lines 40 - 44, and 57 - 67].

However, Rothenbaum does not teach to use memory or storage device for storing logic value corresponding to a presence [available] or absence [unavailable] of second voltage [power supply]. In summary, he does not teach the use of memory or storage device for storing the state of availability.

Lee teaches a portable computer system and method having universal serial bus ports controlled power supply with a random access memory which stores an enabled state or disabled state of the USB port, and central processing unit [CPU] determines enabled or disabled state by reading out the setting state of USB port from memory [col. 6, lines 39 - 48].

It would have been an obvious to one of ordinary skill in art, having teachings of Rothenbaum and Lee before him at the time the invention was made, to modify the USB controller logic in hub disclosed by Rothenbaum to include and a use of memory to store the logic state as taught by Lee in order to obtain reduction in power consumption and preventing damage from the over-current too [col. 3, lines 50 - 53].

6. As to claims 9, 15, 20, and 24, Lee discloses a memory device to store the logic state with the use of latch [114, register] too.

7. As to claims 10, 16, and 25, Rothenbaum discloses a use of an inverter and teaches a logic for switching circuitry for mode switching it can be implemented by one of an ordinary skill in art using different logic elements with NOR, NAND, INV to generate same output.

8. As to claims 11, 17, 21, and 26, Lee discloses the first peripheral device a microcontroller [central processing unit [CPU], fig. 2] with circuit for interrupt [interrupt processing is inherent to CPU] and a memory to store the logic state with register [114, fig. 4], therefore he teaches to use different logic elements and arrangements too.

9. As to claim 12, Rothenbaum teaches USB comprises of the first conductor wire in USB a data conductor wire [col. 3, lines 13 – 16].

#### ***Allowable Subject Matter***

10. Claims 8, 14, 19, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

11. Applicant's arguments filed 12 January 2005 have been fully considered but they are not persuasive because:

12. Applicant has argued, "The reference does not deal with the protection of peripheral device. Thus, the power switching in Rothenbaum is different than in the claimed invention". The examiner agrees; however, power switching is not claimed.

13. Applicant has further argued, "Lee is not concerned with the protection of a peripheral USB device against accidental powering of the data lines, as in the present invention". Again, the examiner agrees, however, protection of peripheral USB device against accidental powering is not claimed.

14. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. In addition, Applicant has argued that there is no reason to combine Rothenbaum and Lee. The motivation “to obtain reduction in power consumption and prevent damage from the over-current too” is clearly set forth in the rejection of claims 7, 13, 18, and 22 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 7:00 am to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel  
February 2, 2005



**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
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